SENATE AGRICULTURE
EXHIBIT NO. 4
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BILL NO. SB217

Senate Bill 217
January 22, 2009
Presented by Ken McDonald
Senate Agricultural Committee

Mr. Chairman and committee members, for the record I am Ken McDonald, Wildlife Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP).

For purposes of clarification, game animals as described in this bill include deer, elk, antelope, moose, sheep, goat, wild bison, mountain lions, and bears.

FWP opposes this bill and finds it to be problematic for several reasons:

1. The actions called for in this bill are considered a diversion of FWP's license funds, which would result in loss of over $18 million in federal funds annually from the U.S. Fish and Wildlife Service. The code of federal regulations, 50 CFR 8.4 states, "Revenue from license fees paid by hunters and fisherman shall not be diverted to purposes other than administration of the state fish and wildlife agency." Expenditures of general license fees as required by SB 217 will constitute a diversion of license fees and result in the loss of approximately $18.7 million federal dollars. The loss of these federal dollars in FY2010 and beyond will result in the reduction of 128.00 FTE and $16,406,836 from both Wildlife and Fisheries programs. It should be noted that the Montana Legislature has adopted ascent language, agreeing to comply with the federal aid CFRs.

2. This bill falsely assumes wildlife are at fault for any diseases "that MAY BE TRANSMITTED" to livestock by game animals. There are many examples where the opposite is true. Big horn sheep populations are severely affected by diseases carried by domestic sheep. There is a recent case in North Dakota where a cattle herd was implicated as the source of Tuberculosis. Wildlife officials there are now scurrying to try to keep that disease from spreading to the deer population in the area of that herd. If this were in MT, and if this bill were in effect, FWP would be required to pay for the testing of all livestock for tuberculosis – even though the source of the disease is a livestock source. Another recent example here in Montana just a few months ago was an outbreak of anthrax in domestic bison in the Gallatin. Domestic bison were first implicated as the source, although wildlife was potentially affected, including deer, elk, and bears. So like the TB example, does that mean wildlife are the cause of anthrax in domestic bison because elk are over objective in another part of the state? We disagree with that premise and feel these examples highlight significant problems with this bill. It should also be pointed out that these diseases - brucellosis, antrhax, and TB all originated in Montana from livestock.

3. Along those lines, this bill is very open-ended with respect to which diseases apply. We are all assuming it applies primarily to brucellosis and elk, but there are numerous other diseases that could apply that have huge implications, and likely have nothing to do with the wildlife population status. Examples include anthrax and blue tongue, which appear to be weather dependent as much as anything. Others include tuberculosis, BVD (bovine viral diarrhea), Johnes disease (intestinal disease), and worst-case scenario, something as disastrous and foot and

mouth disease. The primary vector for these diseases coming into the state is domestic livestock. Because a disease outbreak occurs, one cannot assume wildlife are the source, and therefore wildlife must pay for testing. To the contrary, it has been suggested that wildlife herds be routinely monitored for livestock diseases that affect wildlife, and which are likely to get into the state through the movement of livestock. Estimated cost to screen for major diseases that might enter into wildlife populations from livestock is approximately $90/animal.

4. This bill assumes there is a cause and affect between wildlife big game populations being over objective and disease in livestock. There is no evidence to support this. For example, in the Northern Yellowstone herd, the population has declined significantly, yet the sero-prevalence rate has remained constant or even increasing slightly, although still low in the neighborhood of 3-5%, most likely due to immigration into the herd from feed ground elk in Wyoming.

5. We realize there are concerns by some about the status of elk and other big game populations. It needs to be clear that management objectives are just that, and these objectives are not based on the carrying capacity of the land to support those big game numbers. Rather, our management objectives are based on a combination of biological factors and landowner tolerance. FWP has been trying very hard to manage elk within stated objectives through increasingly liberal (either sex) and long hunting seasons, management seasons, and game damage hunts, but it is impossible to do if hunters can't get to the elk, which is the case in most of the hunting districts where elk populations are over objective. Harboring of elk in certain areas has led to large groups of elk inhabiting relatively small areas on private land where the risk to those elk is predictably low – this is essentially a mini-feed ground scenario. In addition, mild weather in recent years has hampered hunter harvest.

6. In the case of brucellosis, co-mingling of livestock and elk during high-risk periods is the greater concern. In many cases, the commingling is a direct result of harboring of elk during the hunting seasons. Some recent research completed by FWP in the Madison shows that elk are returning to winter range much earlier (September), and quickly inhabit areas that represent low risk, or in other words areas that are refuges. This research shows that elk that return to winter range the earliest also tend to be the ones that stay the longest, and therefore are overlapping with livestock during the highest risk periods. So if the issue is getting elk numbers down to objective, then the risk to elk needs to be unpredictable in space and time. This will in turn keep the elk from congregating in large groups on small areas on winter ranges, and will reduce the risk of disease transmission. This bill doesn't address the harboring issue, and therefore one of the main causes why certain elk populations are over objective. Harboring of elk and allowing large concentrations of elk in the vicinity of livestock represents a much greater risk of disease transmission.

7. This bill is DIVISIVE – it pits wildlife against livestock, at a time when we should be working together to minimize the risk of disease transmission. If the bill were to pass, it would create very deep and very divisive rift between the two interests, which hurts all of us in the near and long term. Neither livestock nor wildlife can afford such a division.

With respect to brucellosis, FWP has taken the position that brucellosis is not a livestock issue, and it is not a wildlife issue, it is a disease issue. It's in the state's best interest to foster and maintain a healthy livestock industry and healthy wildlife populations.

We need to be working together to address this and other disease issues to minimize impacts to both interests. This is best done by working together to address the problems in the best manner possible, not by drawing a line in the sand as this bill does. Everyone who has a stake in this matter—including livestock growers, hunters, and representatives of federal and state agencies—needs to work together. Only then can we assess where disease transmission risk is highest, figure out how to reduce the risk, and pursue the elimination of brucellosis in both wildlife and livestock once and for all.

FWP has been working closely with the Dept of Livestock on this and other disease issues, as well as with livestock producers, to try to address the problem. We are committed to continuing to do so, and feel this is the best approach to addressing this issue that affects multiple interests.

For all of the above reasons, FWP strongly opposes this bill, and we urge you to do so as well.